

SENATE FLOOR PROCEEDINGS

FRIDAY, AUGUST 3, 2007

The Senate will convene at 9:30 AM and will proceed to Executive Session to consider the nomination of Timorhy D. DeGiusti to be US District Judge for the Western District of Oklahoma. The vote on the nomination will occur at 9:35 AM.

The Senate convened and proceeded with an Executive Session.

Cal. #240 Timothy D. DeGiusti to be US District Judge for the Western District of Oklahoma. The nomination was agreed to by a vote of **96-0**.

The Senate proceeded with a period of Morning Business.

The Senate recessed at 11:35 PM subject to the call of the chair.

The Senate reconvened at 8:09 PM.

The Senate proceeded with a Legislative Session.

Sen. Reid moved to proceed to concurrent debate on S. 2011 (Protect America Act of 2007) and S. 1927 (Amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes), as amended. He further moved that there be 60 minutes of debate and that no amendments or motions be in order with respect to either bill. At the conclusion of the 60 minutes, the Senate will proceed to votes on final passage of S. 1927 (Amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes) to be followed by a vote on final passage of S. 2011 (Protect America Act of 2007). Further, if either bill fails to achieve 60 votes, the vote on passage will be vitiated and the bill or bills will be placed on the Senate Calendar. The motion was agreed to by unanimous consent.

S. 2011 (Protect America Act of 2007). This is the version Sen. Levin and Rockefeller offered. Yeas and nays ordered. The bill was not agreed to by a vote of **43-45** and the bill was placed on the Senate calendar.

S. 1927 (Amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information and for other purposes). This is the version Sen. McConnell and Sen. Bond offered. Yeas and nays ordered. The bill was agreed to by a vote of **60-28**.

Sen. Reid motion to proceed to the consideration of the Conference report to accompany H.R. 1495 (WRDA), that there will be 4 hours of debate and vote on adoption was objected to.

H. R. 3311 (Authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 Bridge located in Minneapolis, Minnesota). Agreed to by voice vote.

Sen. Dodd motion to proceed to the bill H. R. 327 (Joshua Omvig Veterans Suicide Prevention Act) was objected to by Sen. Thune.

Sen. Dodd motion to proceed to the consideration of the Message from the House on H. R. 1538 (Wounded Warriors Bill) and agree to a request for a conference was objected to by Sen. Thune.

Sen. Dodd motion to proceed to the consideration of S. 1257 (District of Columbia House Voting Rights Act of 2007) was objected to by Sen. Thune.

Sen. Dodd motion to proceed to the consideration of H. R. 3159 (Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007) was objected to by Sen. Thune.

Sen. Dodd motion to proceed to the consideration of S. 742 (Ban Asbestos in America Act of 2007) and agree to the bill was objected to by Sen. Thune.

Sen. Dodd motion to proceed to the consideration of S. 1785 (Amend the Clean Air Act to establish deadlines by which the Administrator of the EPA shall issue a decision on whether to grant certain waivers of preemption under that Act) and agree to the bill was objected to by Sen. Thune.

Sen. Dodd motion to proceed to the consideration of the S. 558 (Mental Health Parity Act of 2007) and agree to the bill was objected to by Sen. Thune.

Reid motion to proceed to the consideration of the nomination of Jim Nussle to be the Director of the OMB on Tuesday, September 4, 2007 for two hours of debate followed by a vote on the nomination was agreed to by voice vote.

The Senate proceed to an Executive Session to consider the following nominations:
Cal. #245 246 247 248 249 256 273 274 276 277 279-290. All confirmed by voice vote.
David W. James to be Asst. Sec. of Labor. Confirmed by voice vote. .
Bradford Campbell to be Asst. Sec. of Labor. Confirmed by voice vote.
Mark Greene to be Ambassador to Tanzania. Confirmed by voice vote.

S. Con. Res. 43 (Adjournment Resolution). Agreed to by voice vote.

S. 1974 (Making technical corrections to the Pension Protection Act of 2006). The Second reading of the bill was agreed to. Further consideration of the bill was objected to and the bill was placed on the Calendar.

H. R. 3006 (Improve the use of the grant of a parcel of land in Idaho). Agreed to by voice vote.

The Senate proceeded to the consideration of the following nominations on the Executive Calendar:

Cal. #299. Agreed to by voice vote.

Cal # 299. Agreed to by voice vote.

Cal # 301 . Agreed to by voice vote.

Cal # 302. Agreed to by voice vote.

Cal # 303. Agreed to by voice vote.

Cal # 304. Agreed to by voice vote.

Cal # 305. Agreed to by voice vote.

Cal # 306. Agreed to by voice vote.

Cal # 307. Agreed to by voice vote.

Cal # 308. Agreed to by voice vote.

Cal # 309. Agreed to by voice vote.

Cal # 310. Agreed to by voice vote.

Cal # 311. Agreed to by voice vote.

Cal # 312. Agreed to by voice vote.

Cal # 313. Agreed to by voice vote.

Cal # 314. Agreed to by voice vote.

Cal # 315 . Agreed to by voice vote.

H. R. 2309 (The facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building"). Agreed to by voice vote.

H. R. 2358 (Authorizing the minting of coins in commemoration of Native Americans). Agreed to by voice vote, as amended.

Cal. #139, S. 163 (Improve the disaster loan program of the Small Business Administration). Agreed to by voice vote.

S. 496 (Improve the program authorized by the Regional Development Act of 1965). Agreed to by voice vote.

S. Res. 304 (Congratulating the new Poet Laureate, Charles Simmock). Agreed to by voice vote.

S. 849 (Promote openness in government through FOIA). Agreed to by voice vote, as amended.

Nomination of Tevy David Troy to be Deputy Secretary of HHS. The nomination was confirmed by voice vote.

The Senate will convene at 12:00 Noon on Tuesday, September 4, 2007. The Senate will proceed with morning business until 1:00 PM. The Senate will then proceed to the consideration of H. R. 2642 (Military Construction Appropriations Bill).

The Senate adjourned at 11:08 PM under the provisions of S. Con. Res. 43 (Adjournment Resolution).

SENATE FLOOR PROCEEDINGS

THURSDAY, AUGUST 2, 2007

The Senate will convene at 9:30 AM and will resume consideration of House Message on S. 1 (Ethics Reform Bill). There will be two hours of debate prior to a cloture vote on the motion to concur with the House Message. Following the vote, the Senate will resume consideration of H.R. 976 (Small Business Tax Relief Act of 2007).

The Senate convened and proceeded with a Legislative Session.

House Message on S. 1 (Ethics Reform Bill). Motion to invoke cloture on the motion to concur with the House amendment. Yeas and nays ordered. The cloture motion was agreed to by a vote of **80-17**. The Senate will vote on the motion to concur with the House Message on S. 1 (Ethics Reform Bill) with the House amendment at 1:50 PM.

H.R. 976 (Small Business Tax Relief Act of 2007).

Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP). This amendment is considered original text of the bill for the purposes of amendment.

Coburn amend #2627 (To ensure that children and pregnant women whose family income exceeds 200 percent of the poverty line and who have access to employer-sponsored coverage receive premium assistance). Laid aside.

Sanders amend #2600 (To amend title XXI of the Social Security Act to limit the use of funds for States that receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children). Laid aside.

Sanders amend #2571 (To establish an incentive program for State health access innovations). Laid aside.

House Message on S. 1 (Ethics Reform Bill). Motion to concur with the House amendment on the House Message on S. 1 (Ethics Reform Bill). Yeas and nays ordered. The motion was adopted by a vote of **83-14**.

H.R. 976 (Small Business Tax Relief Act of 2007).

Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP). This amendment is considered original text of the bill for the purposes of amendment.

Webb amend #2618 (To eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations), as modified. Laid aside.

Dorgan amend #2934 (Authorizing the Indian Health Care Improvement Act).
Amendment withdrawn by Sen. Dorgan.

Vitter amend #2596 (To require individuals who are eligible for SCHIP and employer-sponsored coverage to use the employer-sponsored coverage instead of SCHIP), as modified. Laid aside.

Allard amend #2535 (To codify the unborn child rule), as modified. Laid aside.

Dodd amend #2631 (To expand family and medical leave in support of servicemembers with combat-related injuries). Laid aside.

Hutchison amend #2520 (To increase access to health insurance for low-income children based on actual need, as adjusted for cost-of-living). Laid aside.

Specter amend #2557 (To amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent). Baucus point of order. Specter motion to waive the Budget Act. Yeas and nays ordered. The motion was not agreed to by a vote of 47-52. The point of order was sustained and the amendment falls.

Graham amend #2558 (To sunset the increase in the tax on tobacco products on September 30, 2012), as modified. Baucus point of order. Graham motion to waive the Budget Act. Yeas and nays ordered. The motion was not agreed to by a vote of 39-60. The point of order was sustained and the amendment falls.

Ensign amend #2540 (To prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State). The amendment was not agreed to by a vote 43-55.

Thune amend #2579 (Excludes individuals with alternative minimum tax liability from eligibility for SCHIP coverage). The amendment was not agreed to 42-57.

Kyl amend #2537 (To minimize the erosion of private health coverage). Yeas and nays ordered. The amendment was not agreed to 37-62.

Lincoln amend #2621 (to express the sense of the Senate that Congress should improve access to affordable healthcare). Laid aside.

Obama amend #2588 (employment protections for family members caring for injured or ill Armed Service members). Laid aside.

DeMint amend #2577 (Amend Public Health Service Act). Laid aside.

The following amendments were agreed to en bloc by voice vote:

Nelson amend #2619 (reduce the cap on the tax on large cigars to \$3).

Dodd amend #2631

Obama amend #2588 (employment protections for family members caring for injured or ill Armed Service members).

Wyden amend #2570 (reducing Type 2 diabetes). Agreed to by voice vote.

Webb amend #2618 (To eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations), as modified.

Withdrawn.

Coburn amend #2627 (to ensure that children and pregnant women whose family income exceeds 200 percent of the poverty line and who have access to employer-sponsored coverage receive premium assistance). The amendment was not agreed to 37-62.

Vitter amend #2596 (to require individuals who are eligible for SCHIP and employer-sponsored coverage to use the employer-sponsored coverage instead of SCHIP) as modified. The amendment was not agreed to 35-64.

Allard amend #2535 (to codify the unborn child rule) as modified. The amendment was not agreed to 49-50.

Hutchison amend #2620 (to increase access to health insurance for low-income children based on actual need, as adjusted for cost-of-living). The amendment was not agreed to 21-78.

Kyl amend #2562 to amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provide a 15-year straight-line cost recovery for certain improvements to retail space). A point of order was raised. Kyl motion to waive the Budget Act. Yeas and nays ordered. The motion was not agreed to by a vote of 49-50. The point of order was sustained and the amendment falls.

Baucus request that all pending amendments except for the DeMint amend be withdrawn. Motion agreed to.

DeMint amend #2577 (Amend Public Health Service Act). The amendment was not agreed to 37-62.

Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP). A point of order was raised. Baucus motion to waive the Budget Act. Yeas and nays ordered. The motion was agreed to by a vote of 67-32.

Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP). Agreed to by voice vote.

H.R. 976 (Small Business Tax Relief Act of 2007). The bill was agreed to 68-31.

The following resolutions were agreed to en bloc by voice vote.

S. Res. 294,

S. Res. 295

S. Res. 296

S. Res. 297

S. Res. 298

S. Res. 87 (expressing the sense of the Senate that the President should declare lung cancer a public health priority). Agreed to by voice vote.

S. 1983 (Amend the federal insecticide, fungicide and rodenticide act). Agreed to by voice vote.

H.R. 2952 (authorize the Saginaw Chippewa tribe of Indians to convey land and interest owned by the tribe). Agreed to by voice vote.

S. 775 (to establish a national commission on the infrastructure of the US). Agreed to by voice vote.

The Senate will convene at 9:30 AM on Friday, August 3rd and will proceed to Executive Session to consider the nomination of Timothy D. DeGiusti to be United States District Judge for the Western District of Oklahoma.

The Senate adjourned at 11:30 PM.

SENATE FLOOR PROCEEDINGS

WEDNESDAY, AUGUST 1, 2007

The Senate will convene at 9:30 AM and will proceed with morning business for 30 minutes. The Senate will then resume consideration of H. R. 976 (Small Business Tax Relief Act of 2007). The first order of business will be the Ensign amend #2538 (Amend the Internal Revenue Code of 1986 to create a disease prevention and treatment research trust fund). There will be 30 minutes of debate followed by a vote on the amendment.

H. R. 976 (Small Business Tax Relief Act of 2007).

Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP). This amendment is considered original text of the bill for the purposes of amendment.

Ensign amend #2538 (Amend the Internal Revenue Code of 1986 to create a disease prevention and treatment research trust fund). Yeas and nays ordered. The amendment was not agreed to **26-58**.

Gregg amend #2587 (Limit the matching rate for coverage other than for low-income children or pregnant women covered through a waiver and to prohibit any new waivers for coverage of adults other than pregnant women). Yeas and nays ordered. The amendment was not agreed to **42-53**.

Lott amend #2593 (Perfecting amendment), as modified. Laid aside.

McConnell amend #2599 (Sense of the Senate that Judge Leslie Southwick should receive a vote by the full Senate). Laid aside.

Dole amend #2554 (Amending the Congressional Budget Act to provide for a 60-vote point of order against legislation that includes a Federal excise tax rate increase which disproportionately affects taxpayers with earned income of less than 200 percent of the Federal poverty level). Laid aside.

Kerry amend #2602 (To provide sufficient funding and incentives to increase the enrollment of uninsured children), as modified. Laid aside.

Thune amend #2579 (Excludes individuals with alternative minimum tax liability from eligibility for SCHIP coverage). Laid aside.

Ensign amend #2540 (To prohibit a State from using SCHIP funds to provide coverage for nonpregnant adults until the State first demonstrates that it has adequately covered targeted low-income children who reside in the State). Laid aside.

Ensign amend #2541 (To prohibit a State from providing child health assistance or health benefits coverage to individuals whose family income exceeds 200 percent of the Federal

Poverty Level unless the State demonstrates that it has enrolled 95 percent of the targeted low-income children who reside in the State). Laid aside.

Dole amend #2554 (Amending the Congressional Budget Act to provide for a 60-vote point of order against legislation that includes a Federal excise tax rate increase which disproportionately affects taxpayers with earned income of less than 200 percent of the Federal poverty level). Yeas and nays ordered. The amendment was not agreed to by a vote of **32-64**.

Bunning amend #2547 (Eliminate the exception for certain States to cover children under SCHIP whose income exceeds 300 percent of the federal poverty level). Baucus motion to table the amendment. Yeas and nays ordered. The motion to table was agreed to by a vote of **53-43**.

Lott amend #2593 (Perfecting amendment), as modified. Yeas and nays ordered. The amendment was not agreed to by a vote of **35-61**.

Kerry amend #2602 (To provide sufficient funding and incentives to increase the enrollment of uninsured children), as modified. Yeas and nays ordered. The amendment was not agreed to by a vote of **36-60**.

The following amendments were considered en bloc:

Graham amend #2558 (To sunset the increase in the tax on tobacco products on September 30, 2012). Laid aside.

Kyl amend #2537 (To minimize the erosion of private health coverage). Laid aside.

Kyl amend #2530 (To amend the Internal Revenue Code of 1986 to extend and modify the 15-year straight-line cost recovery for qualified leasehold improvements and qualified restaurant improvements and to provide a 15-year straight-line cost recovery for certain improvements to retail space). Laid aside.

S. 1927 (Foreign Assistance Surveillance Act of 1978). First reading. Second reading objected to and the bill is placed on the calendar.

H. R. 976 (Small Business Tax Relief Act of 2007).

Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP). This amendment is considered original text of the bill for the purposes of amendment.

Specter amend #2557 (To amend the Internal Revenue Code of 1986 to reset the rate of tax under the alternative minimum tax at 24 percent). Laid aside.

Webb amend #2618 (To eliminate the deferral of taxation on certain income of United States shareholders attributable to controlled foreign corporations). Laid aside.

Reid motion to invoke cloture on Baucus amend #2530 (Substitute amendment with the text of S. 1893 - SCHIP) to H.R. 976 (Small Business Tax Relief Act of 2007).

Reid motion to invoke cloture on H.R. 976 (Small Business Tax Relief Act of 2007).

The Senate proceeded to a period of morning business.

S. 845 (Directs the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls). Committee-reported substitute, as amended, agreed to by voice vote. The bill read three times and agreed to by voice vote.

S. Res. 221 (National Peripheral Arterial Disease Month). Agreed to by voice vote.

S. Res. 290 (Honoring late San Francisco 49ers Coach Bill Walsh). Agreed to by voice vote.

S. Res. 291 (National Historically Black Colleges and Universities Week). Agreed to by voice vote.

H.R. 2831 (Amends Title 7 of the Civil Rights Act of 1967). First reading. Second reading objected to and the bill is placed on the calendar).

The Senate proceeded to an Executive Session.

The following nominations were agreed to en bloc:

Cal. #162 (Thomas D'Agostino to be Under Secretary for Nuclear Security, Department of Energy).

Cal. #230 (Bijan Rafiekian to be a Member of the Board of Directors of the Export-Import Bank of the United States).

Cal. #231 (Diane Farrell to be a Member of the Board of Directors of the Export-Import Bank of the United States).

Cal. #243 (Joe Stecher to be United States Attorney for the District of Nebraska).

Cal. #244 (Charles Hopkins to be an Assistant Secretary of Veterans Affairs).

Cal. #250 (David Geary to be a Member of the Board of Directors of the National Board for Education Sciences).

Cal. #251 (Miguel Campaneria to be a Member of the National Council on the Arts).

Cal. #252 (Diane Auer Jones to be Assistant Secretary for Postsecondary Education, Department of Education).

Cal. #253 (Peter McCarthy to be an Assistant Secretary of the Treasury).

Cal. #254 (David McCormick to be an Under Secretary of the Treasury).

Cal. #257 (Maj. Gen. Daniel Darnell to be Lieutenant General in the U.S. Air Force).

Cal. #258 (Col. Lyn Sherlock to be Brigadier General of the U.S. Air Force).

Cal. #259 (Maj. Gen. Donald Wurster to be Lieutenant General of the U.S. Air Force).

Cal. #260 (Gen. Duncan McNabb to be General of the U.S. Air Force).

Cal. #261 (Lt. Gen. Arthur Lichte to be General of the U.S. Air Force).

Cal. #262 (Gen. John Corley to be General of the U.S. Air Force).

Cal. #263 (Lt. Gen. Frank Klotz to be Lt. General of the U.S. Air Force).

Cal. #264 (Various Brigadier Generals to be Major Generals of the U.S. Air Force).
Cal. #265 (Col. Bradly MacNealy to be Brigadier General of the U.S. Army).
Cal. #266 (Col. Michael Trombetta to be Brigadier General of the U.S. Army).
Cal. #267 (Various Brigadier Generals to be Major Generals of the U.S. Army).
Cal. #268 (Rear Adm. Victor Guillory to be Rear Admiral of the U.S. Navy).
Cal. #269 (Capt. David Mercer to be Rear Admiral of the U.S. Navy).
Cal. #270 (Rear Adm. David Architzel to be Vice Admiral of the U.S. Navy).
Cal. #271 (Vice Admiral John Stufflebeem to be Vice Admiral of the U.S. Navy).
Cal. # 272 (Rear Admiral Adam Robinson to be Vice Admiral of the U.S. Navy).

The following nominations were agreed to en bloc:

PN 579 (Eric John to be Ambassador to Thailand).

PN 604 (Michael MacCallick to be Ambassador to Vietnam).

PN 479 (Jill Summers to be Commissioner of the Commodities Futures Trading Commission).

PN 480 (Bartholomew Chilton to be Commissioner of the Commodities Futures Trading Commission).

The Senate will convene at 9:30 AM on Thursday, August 2, 2007 and will resume consideration of House Message on S. 1 (Ethics Reform Bill). There will be two hours of debate prior to a cloture vote on the motion to concur with the House Message.

Following the vote, the Senate will resume consideration of H.R. 976 (Small Business Tax Relief Act of 2007).

The Senate adjourned at 8:40 PM.